

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 19-1060.01 Richard Sweetman x4333

**HOUSE BILL 19-1325**

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**HOUSE SPONSORSHIP**

**Hansen and McKean,**

**SENATE SPONSORSHIP**

**Priola and Bridges, Winter**

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**House Committees**

State, Veterans, & Military Affairs

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING INCREASING CONSUMER ACCESS TO ELECTRIC MOTOR**  
102            **VEHICLES BY ALLOWING ELECTRIC MOTOR VEHICLE**  
103            **MANUFACTURERS TO SELL THEIR OWN ELECTRIC MOTOR**  
104            **VEHICLES DIRECTLY TO CONSUMERS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

Current law states that, with certain exceptions, a motor vehicle manufacturer may not own, operate, or control any motor vehicle dealer or used motor vehicle dealer in Colorado. The bill creates a new

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

HOUSE  
Amended 2nd Reading  
April 23, 2019

exception that allows the ownership, operation, or control of a motor vehicle dealer by an electric motor vehicle manufacturer that engages exclusively in the sale of electric motor vehicles of the same line-make as are manufactured by the electric motor vehicle manufacturer.

An "electric motor vehicle" is a motor vehicle that operates entirely on electrical power, does not include a fuel combustion engine, and has at least 4 wheels in contact with the ground during normal operation. An "electric motor vehicle manufacturer" is an entity that manufactures and sells electric motor vehicles and does not manufacture or sell motor vehicles that are fully or partly powered by a fuel combustion engine.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 44-20-102, **amend**  
3 (14) introductory portion and (14)(b) as follows:

4 **44-20-102. Definitions.** As used in this part 1, and in part 4 of this  
5 article 20, unless the context or section 44-20-402 otherwise requires:

6 (14) "Manufacturer" means any person, firm, association,  
7 corporation, or trust, resident or nonresident, who manufactures or  
8 assembles new and unused motor vehicles. "MANUFACTURER" INCLUDES  
9 AN ELECTRIC MOTOR VEHICLE MANUFACTURER, AS DEFINED IN SECTION  
10 44-20-126 (3)(a.6). ~~except that~~ "Manufacturer" does not include:

11 (b) A person, other than a manufacturer OR AN ELECTRIC MOTOR  
12 VEHICLE MANUFACTURER, AS THAT TERM IS DEFINED IN SECTION  
13 44-20-126 (3)(a.6), operating a motor vehicle dealer in accordance with  
14 section 44-20-126, ~~who~~ THAT is a licensed dealer selling motor vehicles  
15 that the person has manufactured.

16 **SECTION 2.** In Colorado Revised Statutes, 44-20-126, **amend**  
17 (2)(e) and (2)(f); and **add** (2)(g), (3)(a.3), and (3)(a.6) as follows:

18 **44-20-126. Independent control of dealer - definitions -**  
19 **exceptions.** (2) Notwithstanding subsection (1) of this section, the

1 following activities are not prohibited:

2 (e) Ownership, operation, or control of a used motor vehicle  
3 dealer if the manufacturer owned, operated, or controlled the used motor  
4 vehicle dealer on January 1, 2009, and has continuously operated or  
5 controlled the used motor vehicle facilities after January 1, 2009; ~~and~~

6 (f) Operation of a motor vehicle dealer if the manufacturer was  
7 operating the dealer on January 1, 2009, so long as the dealer is in  
8 continuous operation after January 1, 2009; AND

9 (g) OWNERSHIP, OPERATION, OR CONTROL OF A MOTOR VEHICLE  
10 DEALER BY AN ELECTRIC MOTOR VEHICLE MANUFACTURER THAT ENGAGES  
11 EXCLUSIVELY IN THE SALE OF ELECTRIC MOTOR VEHICLES OF THE SAME  
12 LINE-MAKE AS ARE MANUFACTURED BY THE ELECTRIC MOTOR VEHICLE  
13 MANUFACTURER.

14 (3) As used in this section:

15 (a.3) "ELECTRIC MOTOR VEHICLE" MEANS A MOTOR VEHICLE THAT  
16 OPERATES ENTIRELY ON ELECTRICAL POWER, DOES NOT INCLUDE A FUEL  
17 COMBUSTION ENGINE, AND HAS AT LEAST FOUR WHEELS IN CONTACT WITH  
18 THE GROUND DURING NORMAL OPERATION.

19 (a.6) "ELECTRIC MOTOR VEHICLE MANUFACTURER" MEANS AN  
20 ENTITY THAT MANUFACTURES AND SELLS ELECTRIC MOTOR VEHICLES  
21 AND DOES NOT MANUFACTURE OR SELL MOTOR VEHICLES THAT ARE FULLY  
22 OR PARTLY POWERED BY A FUEL COMBUSTION ENGINE.

23 **SECTION 3. Act subject to petition - effective date.** This act  
24 takes effect at 12:01 a.m. on the day following the expiration of the  
25 ninety-day period after final adjournment of the general assembly (August  
26 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a  
27 referendum petition is filed pursuant to section 1 (3) of article V of the

1 state constitution against this act or an item, section, or part of this act  
2 within such period, then the act, item, section, or part will not take effect  
3 unless approved by the people at the general election to be held in  
4 November 2020 and, in such case, will take effect on the date of the  
5 official declaration of the vote thereon by the governor.